GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegations of misappropriation of Government Money against Sri M.Chanchal Baba, Motor Vehicles Inspector (Now Retired) – Placed under Suspension and initiated Disciplinary Proceedings – Enquiry conducted – Charges Proved – Punishment imposed – Set aside the Punishment - Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (VIG-Tr[1]) DEPARTMENT

G.O.RT.No.87 Dated.30.03.2021.

Read the following:-

1.Proceedings R.No.10154/V1/2001, Dated. 04-06-2001 of Transport Commissioner, Andhra Pradesh, Hyderabad.
2.Proceedings R.No.10154/V1/2001, Dated. 29-11-2001 of Transport Commissioner, Andhra Pradesh, Hyderabad.
3.Charge Memo.No.10154/V1/2001, Dated. 11-02-2002 of Transport Commissioner, Andhra Pradesh, Hyderabad.
4.Explanation of Sri M.Chanchal Baba, the then Motor Vehicles Inspector, dated.27.04.2002
5. Proceedings R.No.10154/V1/2001, Dated. 07-04-2003 of the Transport Commissioner, Andhra Pradesh, Hyderabad.
6. From Joint Transport Commissioner & Enquiry Officer, Lr.No.09/JTC(P), Dated 04.03.2006.
7. Govt. Memo No.10012/Vig.III/2/2006- 4 & 5, dated.31.12.2007 & 29.06.2008
8. Letter.No.10154/V1/2001, Dated. 19-09-2008 of Transport Commissioner, Andhra Pradesh, Hyderabad.
9. Govt. Memo No.10012/Vig.III/2/2006-6, dated.29.07.2009.
10. Explanation of Sri M.Chanchal Baba, the then Motor Vehicles Inspector(Retd), dated.07.01.2010.
11.Govt.Letter.No.10012/Vig-Tr/1/2006-10& 11, Dated.03.01.2015 and 27.03.2015.
12. From the Secretary, Andhra Pradesh Public Service Commission, Andhra Pradesh, Hyderabad Lr.No.144/RT/ 1/2015, dated.05.05.2015.
13.G.O.RT.No. 351 , T R&B(VIG-Tr[1]) Department, Dated.07.07.2015.
14. Orders of Hon'ble APAT dt.19.1.2018 in OA No.5825/2015.
15. From the Secretary, Andhra Pradesh Public Service Commission, Andhra Pradesh, Vijayawada, Lr.No.36/DC&C/ 1/2021, dated.27.01.2021.

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ORDER:

In the proceedings first read above, Sri M.Chanchal Baba, Motor Vehicles Inspector was placed under suspension on the allegation that, while working as Motor Vehicles Inspector at Ravulapalem, East Godavari district, he renewed the fitness certificates of the vehicles which do not belong to his jurisdiction and also misappropriated certain funds to a tune of Rs.1,09,289/-. Subsequently, Sri M.Chanchal Baba remitted the misappropriated amount. Later, he was reinstated in to service vide proceedings 2nd read above.

2. In the charge memo third read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has initiated disciplinary proceedings against Sri M. Chanchal Baba, the then Motor Vehicles Inspector (Now retired). Since the explanation submitted vide reference 4th read above by the charged officer was not convincing, the Transport Commissioner has appointed the Joint Transport Commissioner as an Enquiry Officer vide proceedings 5th read above.

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3. The Joint Transport Commissioner & Enquiry Officer had conducted enquiry and submitted enquiry report stating that the charges framed against Sri M.Chanchal Baba, as "proved" to the extent mentioned in the Inquiry report and observed that the Accused Officer is responsible for misappropriation of Government money to a tune of Rs.11,300/- and for excess of T.A. causing loss to Government money a tune of Rs.23,594/- (Total Rs.34,894/-)

4. After careful examination of the Enquiry Report, in the Memos seventh read above, the Transport Commissioner was directed to recover the misappropriated amount of Rs.34,894/- from the DCRG of the Charged Officer i.e., Sri M. Chanchal Baba, the then MVI (now retired). Further, based on the proposal received from the Transport Commissioner vide letter eighth read above, Government have examined and imposed the penalty of 50% cut in Pension on permanent basis against Sri M. Chanchal Baba, Motor Vehicle Inspector (Retired), vide G.O.13th read above, duly treating the suspension period from 05.06.2001 to 30.11.2001 (179 days) totaling One Hundred and Seventy Nine days, spent as "not on duty" and the pay and allowances payable to the Government Servant for the aforesaid suspension period shall be limited to the Subsistence Allowance entitled/already paid under Fundamental Rule 53 for the entire period during which the Government Servant was "not on Duty" in terms of the orders issued in G.O.Ms.No.3. Finance(FR.II) Department, dated.04.01.2006 and G.O.Ms.No.30, Finance(FR.II) Department, dated. 15.02.2007

5. Aggrieved by the above orders, the Accused Officer has approached Hon`ble Andhra Pradesh Administrative Tribunal and the Hon'ble Tribunal in its orders dt.19.1.2018 in OA No.5825/2015, vide 14th read above, has ordered as below:-

> "..... In view of the findings on points 1 and 2, while setting aside the impugned G.O.Rt.No. 351, TR&B(Vig-Tr.1) Deptt., dated 07.07.2015 of the 1st respondent imposing penalty of 50% cut in pension permanently on the applicant, with a direction to pay pension as was sanctioned earlier in terms of Government Memo No.10012/Vig.III/2/2006-5, dated 29.06.2008 and to consider the claim of the applicant for regularization of the period of suspension from 05.06.2001 to 30.11.2001 in the light of the instant order of this Tribunal in terms of FR 54(B) (3) of the Fundamental rules and to fix this revised pension within six months from the date of receipt of copy of this order."

6. The Government Pleader for Services, who was consulted in the matter for filing appeal before the Hon'ble High Court has stated in her letter dt.25.9.2018 that as seen from the judgment of Hon'ble APAT, the enquiry officer has not conducted the enquiry as per Rule 20 of APCS (CC & A) Rules, 1991 and no witnesses were examined and the Enquiry Officer simply relied on the preliminary enquiry report and further informed that the Hon'ble APAT has also taken note on the fact that the enquiry report has not communicated to the charged officer. Finally, the Government Pleader opined that in view of the clear findings of the Hon'ble APAT, she did not see any legal grounds to file writ Petition before Hon'ble High Court.

7. Government after careful examination of the matter, have now decided to implement the orders of Hon'ble APAT dt.19.01.2018 in OA No.5825/2015 ie., to set aside the punishment orders issued vide G.O.Rt.No.351, TR&B (Vig.TR) Dept., dt.07.07.2015 and to release the pensionary benefits after regularizing the gap period as per FR 54-B (7) read with 54-B (5) according to which the period is to be treated as "Not Duty" but on appeal may be adjusted eligible leave.

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8. Accordingly, Government hereby order that the punishment orders issued vide G.O.Rt.No.351, TR & B (Vig.TR) Dept., dt.7.7.2015 are set aside and the gap period from 05.06.2001 to 30.11.2001 shall be treated as "Not Duty" as per FR 54-B (7), but read with FR 54-B (5) according to which on an appeal the period shall be adjusted as eligible leave, and the pensionary benefits shall also be released accordingly.

9. The Transport Commissioner, Andhra Pradesh, Vijayawada shall take further necessary action in the matter accordingly.

10. This order issues with the concurrence of Finance (HR.II-FR) Department, vide their U.O.No.FIN01-HR/33/2019-HR-II Computer.No.872960, Dt.09.07.2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Individual through Transport Commissioner, Andhra Pradesh, Vijayawada. The Transport Commissioner, Andhra Pradesh, Vijayawada .
Copy to :
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer / Director of Treasuries, Andhra Pradesh, Vijayawada
The Secretary , Andhra Pradesh Public Service Commission, Andhra Pradesh, Vijayawada.
The Secretary to VC, Andhra Pradesh Vigilance Commission, AP Secretariat, Velagapudi.
The Finance (HR.II-FR) Department
PS to Prl.Secretary to Govt., TR&B Dept.
SF/SC

//FOR ARDED:: BY ORDER//

SECTION OFFICER